

1 **PRACTICING LAW WITHOUT A LICENSE AMENDMENTS**

2 2013 FIRST SPECIAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill amends Title 78a, Chapter 9, Attorneys, in relation to the unauthorized
8 practice of law.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ provides that provisions of court rule that authorize the practice of law without a
- 12 license under certain circumstances are an exception to the prohibition on the
- 13 unauthorized practice of law.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides an immediate effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **78A-9-103**, as enacted by Laws of Utah 2013, Chapter 236

21

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **78A-9-103** is amended to read:

24 **78A-9-103. Practicing law without a license prohibited -- Exceptions.**

25 (1) Unless otherwise provided by law or court rule, an individual may not practice law
26 or assume to act or hold himself or herself out to the public as an individual qualified to
27 practice law within this state if that individual:

- 28 (a) is not admitted and licensed to practice law within this state;
- 29 (b) has been disbarred or suspended from the practice of law; or
- 30 (c) is prohibited from practicing law by court order entered pursuant to the courts'
- 31 inherent powers or published court rule.

32 (2) The prohibition against the practice of law described in Subsection (1) shall be

33 enforced by any civil action or proceeding instituted by the Board of Commissioners of the
34 Utah State Bar.

35 (3) Nothing in this section prohibits an individual from personally and fully
36 representing that individual's own interests in a cause to which that individual is a party in the
37 individual's own right and not as an assignee.

38 Section 2. **Effective date.**

39 If approved by two-thirds of all the members elected to each house, this bill takes effect
40 upon approval by the governor, or the day following the constitutional time limit of Utah
41 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
42 the date of veto override.